



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part V—Section 4

Notifications by the Election Commission of India

NOTIFICATION BY THE ELECTION COMMISSION OF INDIA

ORDER OF ELECTION COMMISSION OF INDIA REGARDING IDENTIFICATION OF ELECTORS DURING THE BYE-ELECTIONS TO TAMIL NADU LEGISLATIVE ASSEMBLY, 2019 TO BE HELD ON 19TH MAY 2019.

No. SRO G-42/2019

The following Order of the Election Commission's Order No.3/4/ID/2019/SDR/Vol.I, dated 09.05.2019 is republished:-

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card may result in the denial of permission to vote; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Photo Identity Card, where provided by the Election Commission at State cost, as the means of establishing their identity at the time of polling and that both are to be used together; and
5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and
6. Whereas, Electors Photo Identity Cards have been issued to a substantially large number of electors in the States of Goa, Tamil Nadu, Karnataka, Uttar Pradesh and West Bengal; and

7. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for current bye elections from 11-Panaji Assembly Constituency in the State of Goa, 116-Sulur, 134-Aravakurichi, 195-Thiruparankundram and 217-Ottapidaram (SC) Assembly Constituencies in the State of Tamil Nadu, 42-Chincholi(SC) and 70-Kundgol Assembly Constituencies in the State of Karnataka, 89-Agra Assembly Constituency in State of Uttar Pradesh and 23-Darjeling, 29-Islampur, 68-Knadi, 74-Nowda 43-Habibpur (ST) and 105-Bhatpara Assembly Constituencies in the State of West Bengal which have been notified on 22.04.2019, all electors who have been issued EPIC shall produce the EPIC for their identification at the polling station before casting their votes. Those electors who are not able to produce the EPIC shall produce one of the following alternative photo identity documents for establishing their identity:-

- (i) Passport;
- (ii) Driving License;
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt. PSUs/Public Limited Companies;
- (iv) Passbooks with photograph issued by Bank/Post Office;
- (v) PAN Card;
- (vi) Smart Card issued by RGI under NPR;
- (vii) MNREGA Job Card;
- (viii) Health Insurance Smart Card issued under the scheme of Ministry of Labour;
- (ix) Pension document with photograph,
- (x) Official identity cards issued to MPs/MLAs/MLCs, and
- (xi) Aadhaar Card

8. In the case of EPIC, clerical errors, spelling mistakes, etc. should be ignored provided the identity of the elector can be established by the EPIC. If an elector produces an Electors Photo Identity Card, which has been issued by the Electoral Registration Officer of another Assembly Constituency, such EPICs shall also be accepted for identification provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. If it is not possible to establish the identity of the elector on account of mismatch of photograph, etc. the elector shall have to produce one of the alternative photo documents mentioned in para 7 above.

9. Notwithstanding anything in Para 7 above, overseas electors who are registered in the electoral rolls under Section 20A of the Representation of the People Act, 1950, based on the particulars in their Passport, shall be identified on the basis of their original passport only (and no other identity document) in the polling station.

(By Order)

K.F. WILFRED,
Senior Principal Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
13th May, 2019.

SATYABRATA SAHOO,
Chief Electoral Officer and
Secretary to Government,
Public (Elections) Department.